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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HAKEEM EL BEY,

Defendant.

No. 14-CR-00447

Chicago, Illinois

July 24, 2018

10:00 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS - HEARING
BEFORE THE HONORABLE JUDGE EDMOND E. CHANG

APPEARANCES:

For the Plaintiff:

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1 (Whereupon, the following proceedings were heard in
2 open court.)

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4 THE COURTROOM DEPUTY: 14 CR 447, USA versus Hakeem
5 El Bey.

6 MR. HOTALING: Good morning, Your Honor. Chris
7 Hotaling on behalf of the United States.

8 DEFENDANT BEY: Good morning, Your Honor. Hakeem El
9 Bey, private citizen.

10 MR. FUENTES: Good morning, Judge. Gabe Fuentes
11 appearing as appointed standby counsel.

12 PROBATION OFFICER: Good morning, Your Honor. Sandra
13 DiNicholas on behalf of the Probation Office.

14 THE COURT: All right. Good morning everyone.

15 We are here for sentencing. Is everyone ready to
16 proceed?

17 MR. HOTALING: I think Ms. Malizia is in front of
18 Judge Leinenweber. I am happy to start things off, but most
19 of the paperwork and most of the filings were done by her. I
20 think her court appearance was at 9:30. She should be here
21 momentarily.

22 I am happy to start things up, but she is the one who
23 submitted the government's position papers and she has a copy
24 of the PSR, which I do not have.

25 THE COURT: Why don't we see how far we can get

10:07:49 1 before the 3553(a) factors basically.

10:07:53 2 MR. HOTALING: Sounds good to me.

10:07:54 3 THE COURT: First Mr. Bey, good morning to you.

10:07:56 4 DEFENDANT BEY: Good morning.

10:07:57 5 THE COURT: So I wanted to first let you know that in
10:08:02 6 looking at some of these other filings that you had submitted
10:08:07 7 earlier, and there is docket entries 184, 185, 188, 190, and
10:08:18 8 they were variously titled things like bonded claim, amended
10:08:24 9 bonded claim, notice of interest, notice of merger. Like some
10:08:31 10 of the other filings that you have submitted in this case, I
10:08:34 11 have to conclude that they don't really have any legal effect
10:08:38 12 or really operative effect.

10:08:42 13 So to the extent that you were filing that in an
10:08:45 14 effort to overturn the conviction or something else, they
10:08:52 15 simply do not have any merit.

10:08:54 16 DEFENDANT BEY: I was really filing them because I
10:08:56 17 was saying I was in the wrong court, the wrong jurisdiction,
10:09:00 18 because I am seeking equity. So this is an Article 1 court, I
10:09:06 19 need to be with an Article 3 Judge, and I was trying to get
10:09:11 20 you to see me in your chambers.

10:09:15 21 THE COURT: And as I have said before with these
10:09:19 22 similar filings, this Court does have jurisdiction over the
10:09:24 23 Federal Criminal Code, and that is what this prosecution is.

10:09:29 24 So there is no jurisdictional defect.

10:09:31 25 I wanted to let you know I at least took a look at

10:09:35 1 them and I am rejecting the jurisdictional argument.

10:09:38 2 Then with regard to the pre-sentence report, Mr. Bey.

10:09:43 3 DEFENDANT BEY: Yes, sir.

10:09:45 4 THE COURT: You remember you had one the first time
10:09:52 5 around.

10:09:52 6 DEFENDANT BEY: Yes.

10:09:52 7 THE COURT: Then there was a shorter update.

10:09:55 8 DEFENDANT BEY: Yes.

10:09:56 9 THE COURT: Did you get a copy of the update?

10:09:58 10 DEFENDANT BEY: I don't remember reading anything. I
10:10:00 11 told counsel I don't remember seeing anything.

10:10:04 12 THE COURT: It was quite short, and it was sent to
10:10:08 13 you. Perhaps -- do you have an extra copy, by chance?

10:10:35 14 PROBATION OFFICER: I do not.

10:10:37 15 THE COURT: Let's recess for the moment, maybe
10:10:40 16 co-counsel for the government will get here, and I can print
10:10:43 17 out the update and then you can look through it. And it is
10:10:52 18 much shorter than the presentence report and you should be
10:10:55 19 able to look through it.

10:10:58 20 DEFENDANT BEY: Do we have to re-set it? It is not
10:11:02 21 going to change your decision on what you are going to do?

10:11:05 22 THE COURT: I am keeping an open mind, of course, but
10:11:08 23 it is your right to read through the report and it would make
10:11:14 24 sense to read it before we proceed to sentencing.

10:11:16 25 DEFENDANT BEY: You are going to make the final

10:11:20 1 decision anyway.

10:11:22 2 MR. HOTALING: It is only 10 minutes.

10:11:23 3 THE COURT: Let's take a brief recess. Okay?

10:11:26 4 DEFENDANT BEY: Okay, okay.

10:11:29 5 THE COURTROOM DEPUTY: All rise.

10:11:31 6 (Whereupon a recess was had.)

10:22:35 7 THE COURT: Mr. Bey, are you ready?

10:22:37 8 DEFENDANT BEY: Yes, sir.

10:22:38 9 THE COURT: All right.

10:22:39 10 THE COURTROOM DEPUTY: 14-CR-447, People versus El

10:22:40 11 Bey.

10:22:40 12 MR. HOTALING: Good morning again, Your Honor. Chris

10:22:41 13 Hotaling, on behalf of the United States.

10:22:44 14 DEFENDANT BEY: Good morning, Your Honor. Hakeem El

10:22:47 15 Bey, private citizen.

10:22:48 16 MR. FUENTES: Gabriel Fuentes, court appointed

10:22:51 17 standby counsel.

10:22:52 18 PROBATION OFFICER: And good morning, Sandra Di

10:22:56 19 Nicholas, U.S. Probation.

10:22:57 20 THE COURT: All right. Good morning everyone.

10:22:58 21 Mr. Bey, you have had a chance to look at the update

10:23:03 22 to the pre-sentence report?

10:23:04 23 DEFENDANT BEY: Yes, sir, I did.

10:23:05 24 THE COURT: You had enough time to look at it?

10:23:07 25 DEFENDANT BEY: Yes.

10:23:08 1 THE COURT: Do you have any objections or corrections
10:23:10 2 to propose to either the original pre-sentence report or to
10:23:13 3 the update?

10:23:15 4 DEFENDANT BEY: Yes, I have objections, but I mean,
10:23:18 5 it is not going to matter.

10:23:19 6 But I mean, no, it is --

10:23:21 7 THE COURT: I am talking about -- your jurisdictional
10:23:24 8 argument you have preserved many times over.

10:23:27 9 DEFENDANT BEY: Oh, yeah, yeah.

10:23:29 10 THE COURT: I am talking about the pre-sentence
10:23:32 11 report and the update. Do you have any objections or
10:23:34 12 corrections to propose to those two documents?

10:23:36 13 DEFENDANT BEY: No.

10:23:36 14 THE COURT: Anything from the government?

10:23:38 15 MR. HOTALING: No, Your Honor.

10:23:39 16 I have had an opportunity to review it and we have no
10:23:43 17 changes or corrections to be made.

10:23:44 18 THE COURT: All right.

10:23:45 19 Then I will adopt the pre-sentence report as based on
10:23:50 20 accurate and detailed information.

10:23:52 21 That includes a sentencing guidelines calculation,
10:23:55 22 and I'll just put it on the record. This is the same
10:23:56 23 guidelines calculation that was in place the first time
10:24:00 24 around, Mr. Bey, it's under the 2014 manual. So we put all
10:24:06 25 the counts together because they are crimes for which the

10:24:10 1 sentence -- largely based on the loss amount, or the intended
10:24:14 2 loss amount. So the base offense level under Guideline
10:24:19 3 2(b)1.1 is 7. 16 levels are added because the intended loss
10:24:25 4 was \$2.1 million and that results in a total offense level of
10:24:29 5 23. There's no criminal history points.

10:24:32 6 So the advice of the guidelines was 46 to 57 months,
10:24:38 7 which is lower than last time around because of the absence of
10:24:41 8 I think the obstruction enhancement.

10:24:48 9 Does that square with the government's calculations?
10:24:50 10 MR. HOTALING: It does, Your Honor.

10:24:52 11 THE COURT: And Mr. Bey, do you have any objections
10:24:54 12 to the guidelines calculation? Separate from your
10:25:09 13 jurisdictional argument.

10:25:10 14 DEFENDANT BEY: No.

10:25:11 15 THE COURT: Okay.

10:25:11 16 DEFENDANT BEY: Really I think it should be zero
10:25:15 17 (indicating).

10:25:15 18 But other than that, no.

10:25:17 19 THE COURT: To the extent you are saying that there
10:25:19 20 is no loss amount or -- okay. I guess maybe -- it is hard to
10:25:26 21 interpret exactly what you are saying on that one, but this is
10:25:30 22 an accurate guidelines calculation based on the trial evidence
10:25:38 23 and the counts of conviction. So I do adopt that guidelines
10:25:42 24 calculation.

10:25:44 25 We are just going to have to march forward.

10:25:47 1 So if you can make your 3553 presentation.

10:25:50 2 MR. HOTALING: Absolutely.

10:25:53 3 Your Honor has had the opportunity to hear the trial
10:25:56 4 testimony in this case and has had an opportunity to see where
10:26:04 5 Mr. Bey, Mr. El Bey, I should say, kind of fits within the
10:26:08 6 scheme that was concocted here.

10:26:12 7 A very deliberate, a very well thought out plan to
10:26:17 8 defraud the United States government of hundreds of thousands
10:26:22 9 of dollars, money to which he just simply had no legal right.

10:26:28 10 The creation of the trust that was done in his name,
10:26:33 11 the filing of trust tax returns in his name, each of which,
10:26:39 12 each separate instance in which he claimed he was entitled to
10:26:43 13 a refund of \$300,000 each. It is a staggering scheme. It is
10:26:50 14 a staggering impact on our government's ability to function
10:26:55 15 because the government's ability to function largely is based
10:26:59 16 on the proper payment of tax. And when individuals, such as
10:27:05 17 Mr. El Bey, try to cheat that system by taking money out of
10:27:10 18 the treasury that it is lawfully entitled to, it causes real
10:27:18 19 and significant harm on the government, the proper and true
10:27:20 20 functioning of the United States government. And if we think
10:27:22 21 to ourselves, if other people kind of caught on to this
10:27:25 22 scheme, and were similarly submitting bogus tax returns for
10:27:30 23 hundreds of thousands of dollars in ill gotten refunds, our
10:27:36 24 government would shut down. This Court could not function,
10:27:41 25 without the proper functioning of the tax system. And that is

10:27:42 1 what this scheme went to the heart of, the proper functioning
10:27:45 2 of our government's tax system, and our ability as a
10:27:49 3 government to function.

10:27:51 4 So we really haven't heard any sort of remorse from
10:27:54 5 Mr. El Bey about his role in this, and obviously that is
10:27:59 6 factored into the guidelines. He is not getting acceptance of
10:28:03 7 responsibility.

10:28:04 8 But in terms of the nature of the offense under 3553,
10:28:08 9 it is a very serious offense, and it is an offense that goes
10:28:11 10 to, like I just mentioned, goes to the heart of our system of
10:28:15 11 government.

10:28:15 12 With respect to the characteristics of the defendant,
10:28:20 13 Your Honor has had an opportunity to interact with Mr. El Bey
10:28:25 14 over the course of this case, and like I just mentioned, he
10:28:28 15 really seeming has no remorse with respect to what he has
10:28:31 16 done. I am still not sure if he really thinks what he did was
10:28:36 17 wrong.

10:28:36 18 I think the jury's verdict, now twice, hopefully has
10:28:40 19 sunk -- gotten the message in to Mr. El Bey that what he has
10:28:44 20 been doing is wrong. But I guess we will hear about that in
10:28:47 21 just a few moments.

10:28:49 22 I think as we are continuing to go through the 3553
10:28:58 23 characteristics that the specific circumstances of the
10:28:59 24 defendant that I just mentioned, the need for deterrence,
10:29:01 25 sending an appropriate sentence does do that, a custodial

10:29:08 1 sentence, and I should point out obviously Mr. El Bey has
10:29:11 2 already served his custodial sentence, and so he has already
10:29:15 3 done the time with respect to that.

10:29:17 4 But still the whole point of sending the right
10:29:20 5 message to the community that a custodial sentence -- if you
10:29:25 6 are going to deliberately defraud the United States
10:29:28 7 government, if you are going to willfully and knowingly submit
10:29:32 8 fraudulent tax returns, there is a real consequence associated
10:29:36 9 with those criminal acts. And the consequence is a term in
10:29:42 10 the Bureau of Prisons.

10:29:44 11 Now, like I said, he has already served that, but I
10:29:47 12 think the reimposition of the sentence that he previously
10:29:50 13 received is sufficient to send the right message to the
10:29:56 14 community about what the impact of a crime such as this is.

10:30:00 15 I think certainly with respect to general deterrence
10:30:03 16 that the term of imprisonment, and I think Judge Posner issued
10:30:10 17 a sentence of 28 months as I recall was the sentence. Sending
10:30:14 18 that message to the community about engaging in this kind of
10:30:17 19 conduct, is going to result in you doing very real time, with
10:30:21 20 a really significant loss of one's liberty. So I think
10:30:25 21 re-imposing a term of custodial sentence is important to send
10:30:33 22 that appropriate message.

10:30:33 23 In terms of specific deterrence as to Mr. El Bey, I'm
10:30:38 24 not sure it's going to get him off kind of the course we've
10:30:42 25 been on in terms of the sovereign citizen. But hopefully, I

10:30:46 1 don't think Mr. El Bey wants to spend any more time in an
10:30:51 2 orange jumpsuit in a Bureau of Prisons facility, so hopefully
10:30:58 3 reimposing that same sentence will send the same message about
10:31:02 4 flying the straight and narrow with respect to his conduct
10:31:02 5 going forward into the future.

10:31:04 6 So for all of those reasons, it is the government's
10:31:06 7 suggestion that the Court reimpose the same term of
10:31:10 8 imprisonment that Judge Posner issued during the first time
10:31:13 9 around, and that essentially -- that he will have already
10:31:18 10 served that sentence, but nevertheless, having that same term
10:31:23 11 reimposed, and that it is the government's position that that
10:31:26 12 is a term that is sufficient but not greater than necessary to
10:31:30 13 satisfy the conditions of 3553.

10:31:31 14 THE COURT: The sentencing memo asks for supervised
10:31:35 15 release to be imposed, it appears for the sole purpose of
10:31:43 16 trying to help the collection efforts on restitution.

10:31:45 17 MR. HOTALING: We --
10:31:47 18 I'm sorry.

10:31:48 19 THE COURT: I was going to say that the government,
10:31:50 20 even without supervised release, would be able to make its
10:31:54 21 collection efforts, and issue citations and subpoenas and --

10:31:58 22 MR. HOTALING: Garnishments as well, absolutely,
10:32:01 23 going forward.

10:32:02 24 I am going to stand on our position that we put in
10:32:05 25 our sentencing memo with respect to that.

10:32:08 1 THE COURT: Okay.

10:32:13 2 Mr. Bey, what would you like to say on your own
10:32:15 3 behalf?

10:32:16 4 DEFENDANT BEY: Is this supposed to be about
10:32:18 5 allocution?

10:32:20 6 THE COURT: Yes.

10:32:21 7 DEFENDANT BEY: Okay.

10:32:22 8 I just want to say that -- Judge, I want to give you
10:32:34 9 something and -- the defendant is not me, Judge. And so what
10:32:40 10 I am saying is I have the defendant right here, and I would
10:32:44 11 like to give it to you and tell you that I am --

10:32:48 12 THE COURT: All right.

10:32:48 13 You want to tender an exhibit for the record?

10:32:51 14 DEFENDANT BEY: Yes.

10:32:53 15 THE COURT: Why don't you give it to the courtroom
10:32:55 16 deputy and she will --

10:32:56 17 MR. HOTALING: Judge, can I just see it first? I
10:32:59 18 haven't seen --

10:33:00 19 THE COURT: Yes.

10:33:00 20 Hand it to Mr. Hotaling first.

10:33:04 21 DEFENDANT BEY: Okay.

10:33:04 22 MR. HOTALING: And then is it okay if I hand this up
10:33:08 23 for you?

10:33:09 24 DEFENDANT BEY: Sure.

10:33:10 25 THE COURTROOM DEPUTY: Okay.

10:33:11 1 THE COURT: Thank you.

10:33:35 2 Okay, Mr. Bey. Do you want to describe what this is?

10:33:39 3 DEFENDANT BEY: Well, it is the defendant, and what I
10:33:42 4 am trying to tell you is -- I am going to say, I do not
10:33:45 5 accept, I do not accept, I do not accept.

10:33:47 6 You have the defendant there (indicating) who is
10:33:51 7 responsible for payment, or whatever, and so I think they did
10:33:59 8 a body attachment on me last time for 28 months, took me out
10:34:09 9 of society, away from my family, my children, and I feel that
10:34:23 10 they are trying to punch me a second time, and it will not
10:34:31 11 change anything. What I am saying is I am not a threat to
10:34:34 12 society. I am not hurting anyone. You know, I -- I try to
10:34:40 13 follow all laws and guidelines. They haven't had any problems
10:34:46 14 out of me and they won't have any problems out of me.

10:34:55 15 That is all I am going to say.

10:34:57 16 THE COURT: So just for the record, and we will put
10:34:59 17 this -- I guess we will post this on the docket, although I
10:35:03 18 think I have seen a form of this in your most recent filings,
10:35:08 19 it bears Fredrick Jones' name and it purports to be a --

10:35:11 20 DEFENDANT BEY: Yes, also known as Hakeem El Bey.

10:35:14 21 THE COURT: I understand.

10:35:15 22 And it is a birth certificate.

10:35:18 23 So like I said, I think this or a version of it has
10:35:22 24 been attached to some of your more recent filings.

10:35:25 25 To the extent it is some kind of motion for acquittal

10:35:30 1 or new trial, it comes late for one, there is no good cause to
10:35:34 2 extend the time, nor would I extend the time in exercising
10:35:39 3 discretion in light of the fact that it is just a birth
10:35:44 4 certificate. It doesn't have evidentiary value in explaining
10:35:50 5 why the convictions ought to be vacated or there should be a
10:35:54 6 new trial.

10:35:56 7 So Mr. Bey, in deciding what your sentence ought to
10:36:02 8 be, I do have to consider, and you remember this from the last
10:36:05 9 time around, certain goals and factors in picking a sentence
10:36:08 10 for you. I have to consider, of course, the nature and
10:36:13 11 circumstances of the crimes that you committed, and I have to
10:36:18 12 consider your personal history and characteristics, and then I
10:36:22 13 have to try to achieve certain goals that Congress has set
10:36:26 14 forth for judges. We have to try to pick a sentence that is
10:36:30 15 enough, but not greater than necessary, to provide for just
10:36:33 16 punishment for the crime, to reflect the seriousness of the
10:36:37 17 offense, to promote respect for the law, to provide for
10:36:41 18 deterrence, and that is both general deterrence, meaning
10:36:45 19 sending a message to others, and specific deterrence, meaning
10:36:48 20 sending a message to you, to not commit another crime. I have
10:36:53 21 to provide for the protection of the public, I do have to
10:36:56 22 consider things like medical or rehabilitative needs, but that
10:37:01 23 goal can only ever push down a sentence and not push it up.

10:37:05 24 I do have to consider the advice of the guidelines,
10:37:08 25 which is 46 to 57 months here, and then the need for

10:37:12 1 restitution. And finally to avoid unwarranted disparities,
10:37:19 2 meaning to treat you like I would treat anyone else who has
10:37:22 3 committed the same kind of crime that you committed and has
10:37:26 4 the same kind of background that you have.

10:37:27 5 So weighing all of those, of course with regard to
10:37:30 6 the offense, the government is correct that this is a serious
10:37:33 7 offense. This took money, \$600,000, right out of the
10:37:39 8 treasury, and there was an intent to obtain a lot more than
10:37:43 9 that. And for all the debate that we legitimately have over
10:37:49 10 tax policy generally and tax rates and so on, no one doubts
10:37:53 11 that taxes though is -- taxes are still necessary to operate
10:37:59 12 the most basic programs that we have in government, like to
10:38:03 13 have a military, to have infrastructure, transportation, to
10:38:10 14 support educational programs and so on, even at some basic
10:38:14 15 fundamental level. There is no dispute over that. And so it
10:38:19 16 is a very serious crime.

10:38:21 17 I do believe that the evidence showed beyond a
10:38:23 18 reasonable doubt that you knew what you did violated the law,
10:38:26 19 and that it is willful. I think the government was speaking
10:38:30 20 maybe colloquially, or -- and not in legalistic terms when the
10:38:36 21 government said things like, you don't know that you did
10:38:39 22 something wrong.

10:38:43 23 I believe you absolutely did, and that you adjusted
10:38:48 24 the signature just so in terms of reserving rights and so on
10:38:52 25 on those returns. You just disagree with the law, you don't

10:38:55 1 like what it says, and you wanted to get money from the
10:38:59 2 treasury, so you did what you did.

10:39:00 3 You have shown no remorse whatsoever.

10:39:03 4 I almost surely would have sentenced you to more than
10:39:06 5 28 months had I been the sentencing judge the first time
10:39:10 6 around, because I would have been fearful that you would
10:39:14 7 repeat the crime because you don't seem to recognize the
10:39:19 8 jurisdiction of the court, even though you really well know
10:39:22 9 that you are subject to the jurisdiction of the courts, and
10:39:26 10 that you cannot deprive and steal, because that is what it
10:39:32 11 was, stealing money from the Federal Government.

10:39:35 12 I also would have been more concerned about general
10:39:37 13 deterrence, that is sending a message to others, because I
10:39:41 14 myself had another trial with this same scheme, the \$300,000
10:39:45 15 trust scheme, and I sentenced that defendant to much more time
10:39:50 16 than 28 months, because I would have wanted to send the
10:39:54 17 message that not just all tax schemes, but this one in
10:39:59 18 particular, must stop.

10:40:03 19 Having said that, you did not have any issues in the
10:40:07 20 Bureau of Prisons. You showed up for sentencing eventually
10:40:11 21 and you did your time. You worked in the Bureau of Prisons.
10:40:14 22 You actually got a positive employment review, I don't know if
10:40:20 23 you saw that in the update, but you did.

10:40:23 24 There is no evidence, and that is all we can go on,
10:40:27 25 that you committed any other crime afterwards. And so in

10:40:34 1 terms of deterring you more, I think that reason actually
10:40:37 2 drops away, because despite the fact that you don't want to
10:40:42 3 recognize the jurisdiction of the courts and the Federal
10:40:46 4 Criminal Code over you, you are -- you are rational enough
10:40:51 5 that you know that if you violate the criminal laws again,
10:40:55 6 that there will be -- that another prosecution would be geared
10:40:59 7 up against you and then you could do more time. So it does
10:41:02 8 seem like you have gotten that message.

10:41:04 9 Still, on general deterrence, I still would have
10:41:07 10 probably sentenced you to more than 28 months, but I am not
10:41:12 11 going to do that at this point. The government is not asking
10:41:15 12 for more than that, and as I said, given your conduct in
10:41:24 13 prison, I am satisfied that specific deterrence is not much of
10:41:28 14 an issue anymore.

10:41:30 15 It is disturbing that you are refusing to provide
10:41:35 16 financial information to the Probation Office, but as I said,
10:41:38 17 the government can -- there will be other ways that they will
10:41:42 18 find out about what your finances are, and maybe it is
10:41:47 19 absolutely true that there is nothing you can pay towards the
10:41:52 20 restitution, but that is not enough of a reason to give you
10:41:59 21 more prison time.

10:42:02 22 In terms of your personal history too, you were
10:42:07 23 otherwise law abiding, you had the Postal Service job for a
10:42:11 24 long time, and separating you from your sister at this point
10:42:15 25 at age 59, that also weighs against additional prison time,

10:42:20 1 beyond what you got the first time.

10:42:22 2 So on balance I believe the appropriate sentence is
10:42:25 3 28 months, time considered served. So there should be no
10:42:33 4 additional prison time that you will have to do.

10:42:35 5 With regard to supervised release, I don't think,
10:42:38 6 just for the purpose of collecting its worth, the Probation
10:42:43 7 Office's time and resource drain to supervise you. So I will
10:42:48 8 not impose any supervised release on you.

10:42:51 9 The way you are going to be still subject to the
10:42:54 10 jurisdiction of the court is when the government files in this
10:42:58 11 case collection efforts against you, and so it is not
10:43:02 12 completely over, but there will not be any supervised release
10:43:07 13 itself.

10:43:07 14 You do have to pay restitution of \$600,000 to the
10:43:11 15 Department of Treasury, and the updated report, as you saw,
10:43:14 16 says that no monies have been paid to that. And so it is
10:43:17 17 still \$600,000.

10:43:20 18 On the current record you don't have an ability to
10:43:23 19 pay a fine, so I won't impose a fine.

10:43:27 20 The forfeiture, did you have any further objections
10:43:32 21 you wanted to make as to the forfeiture, Mr. Bey?

10:43:36 22 DEFENDANT BEY: No.

10:43:36 23 THE COURT: So based on the jury's verdict and the
10:43:39 24 motion for preliminary order of forfeiture, I do order the
10:43:43 25 forfeiture of 439 South Hoxie and the 2010 Buick LaCrosse

10:43:49 1 sedan that is identified in the motion, so we will enter that
10:43:54 2 preliminary order of forfeiture.

10:43:56 3 The assessment is \$800. I believe you have paid \$400
10:44:00 4 towards that. So I will put in the judgment that it is \$800,
10:44:06 5 however, \$400 is credited for prior payments.

10:44:12 6 You do have a right to appeal the sentence, as well
10:44:14 7 as the convictions, and if you are going to do that, file a
10:44:17 8 notice of appeal within 14 days of entry of the judgment on
10:44:22 9 the docket.

10:44:24 10 You have a right to counsel. If you can't afford a
10:44:27 11 counsel you can ask to have one appointed free of charge. You
10:44:30 12 can also represent yourself, of course.

10:44:32 13 If you can't afford the fees and costs of appeal, you
10:44:36 14 can ask to have those waived, then you won't have to pay those
10:44:40 15 as well.

10:44:41 16 Is there anything else for the government?

10:44:43 17 MR. HOTALING: Nothing further, Your Honor.

10:44:44 18 THE COURT: For probation?

10:44:46 19 PROBATION OFFICER: Nothing, Your Honor.

10:44:47 20 Thank you.

10:44:47 21 THE COURT: Mr. Bey, anything else? Any last words
10:44:51 22 here?

10:44:52 23 DEFENDANT BEY: No.

10:44:52 24 THE COURT: Okay.

10:44:53 25 DEFENDANT BEY: Thank you for not sending me back to

10:44:56 1 that place. I appreciate that.

10:44:57 2 THE COURT: All right.

10:44:59 3 We are adjourned.

10:45:00 4 MR. HOTALING: Thank you, Your Honor.

10:45:02 5 DEFENDANT BEY: Thank you, Judge.

10:45:03 6 MR. FUENTES: One question, Judge.

10:45:05 7 THE COURT: Okay.

10:45:06 8 MR. FUENTES: Did the Court contemplate entering any
10:45:08 9 additional orders with respect to this matter?

10:45:11 10 THE COURT: It is possible. It is not like I would
10:45:13 11 lose jurisdiction for that, but that is -- I sent an email to
10:45:17 12 myself on that, let me put it that way.

10:45:20 13 MR. FUENTES: Okay, Judge.

10:45:21 14 Thank you.

10:45:22 15 THE COURTROOM DEPUTY: All rise.

10:45:24 16 Court is adjourned.

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18 (Proceedings adjourned.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

/s/Krista Burgeson, CSR, RMR, CRR January 21, 2019
Federal Official Court Reporter Date

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